



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

[Handwritten signature]

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/245,894 02/08/99 GALET

A P17485

EXAMINER

007055
GREENBLUM & BERNSTEIN
1941 ROLAND CLARKE PLACE
RESTON VA 20191

QM12/0327

NEAS, M ART UNIT	PAPER NUMBER
---------------------	--------------

3765
DATE MAILED:

12

03/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/245,894

Applicant(s)

Galet

Examiner

Michael A. Neas

Group Art Unit

3765



☒ Responsive to communication(s) filed on Jan 11, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 10-14 and 16-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 10-14 and 16-18 is/are allowed.

☒ Claim(s) 19 and 20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3765

DETAILED ACTION

Response to Amendment

1. Applicant's amendments and arguments have been duly noted and considered. In view of such, claims 10-14 and 16-18 are allowed. The rejections to claims 19-20 remain. The applicant indicates that the requirements of MPEP 706.02(b) have been complied with in order to perfect applicant's foreign priority claim. The examiner disagrees. Although the applicant states that the instant application is a translation of the priority document, 37 CFR 1.55(a) and MPEP 201.15 require an English language translation of the certified priority document be filed together with a statement that the translation is accurate. The applicant has not provided specific reasons why Casale neither anticipates nor renders obvious claims 19 and 20. For these reasons, those rejections remain.

In response to the drawing objections, the applicant indicates that a reference numeral will be added to the lead line in Figure 10. However, no proposed drawing change has been filed and therefore the objection remains. The applicant indicates that the examiner's objection to Figure 1 is inaccurate since numeral "70" is not present in that figure. Figure 1 as contained in the drawings in the file includes reference numeral 70, absent a lead line, just below reference numeral 14 in the lower left hand corner of the figure.

Art Unit: 3765

Drawings

2. The drawings are objected to because numeral "70" lacks a lead line in Figure 1 and Figure 10 includes a lead line with no corresponding reference numeral. Correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by Casale.

Casale discloses the invention as claimed. Casale teaches a protective helmet having a shell 5 and a holding and positioning arrangement 1. The holding and positioning arrangement includes flexible straps 13,17 and a pulley mechanism 7. The holding and positioning arrangement further includes a chin strap 3 which is formed by the convergence on both sides of the helmet of left and right portions of front strap 17 and rear straps 13. A buckle 21 connects the points of convergence on either side of the helmet to one another. Front strap portions include a length adjustment mechanism 15 while rear straps utilize length adjustment mechanism 7. Pulley mechanism 7 includes an inverted Y-shaped connecting piece that connects the free ends of the rear strap.

Art Unit: 3765

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Casale.

Casale discloses the invention substantially as claimed. However, the pulley mechanism 7 is not disclosed as being semi-rigid. It would have been obvious to one of ordinary skill in the art to form mechanism 7 from a semi-rigid material so that it can conform to a wearer's head as shown in the figures and be durable.

Allowable Subject Matter

7. Claims 10-14 and 16-18 are allowed.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

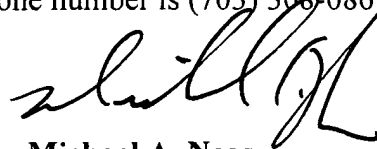
Art Unit: 3765

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Neas whose telephone number is (703) 308-0954. The examiner can normally be reached on Monday-Thursday from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, can be reached on (703) 305-1025. The fax phone number for this Group is (703) 305-3463.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.



Michael A. Neas
Primary Examiner
Art Unit 3765

man
March 24, 2001